

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

AITABDELLAH SALEM,

Plaintiff,

-against-

CITY OF NEW YORK, JOSEPH PONTE, COMMISSIONER OF
THE NEW YORK CITY DEPARMTENT OF CORRECTION,
IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, JOHN
DOE NO.1, WARDEN, NEW YORK CITY DEPARTMENT OF
CORRECTION, JOHN DOE NO. 2, ASSISTANT WARDEN,
OF THE NEW YORK CITY DEPARTMENT OF CORRECTION,
IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, JOHN
DOE NO.3, TOUR COMMANDER NEW YORK CITY
DEPARTMENT OF CORRECTION, AMKC, RIKERS ISLAND,
IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, JOHN
DOE NO. 4, CAPTAIN, NEW YORK CITY DEPARTMENT OF
CORRECTION, AMKC, RIKERS ISLAND, IN HIS
INDIVIDUAL AND OFFICIAL CAPACITY.

Defendants.

-----X

**DEFENDANTS' NOTICE OF
MOTION TO DISMISS THE
AMENDED COMPLAINT
PURSUANT TO F.R.C.P.
12(b)(6)**

17-CV-4799 (JGK)

PLEASE TAKE NOTICE that, upon the annexed Declaration of Alexander Noble in Support of Defendants' Motion to Dismiss, dated January 23, 2018, and Memorandum of Law of the same date, defendants City of New York and Ponte will move this Court, before the Honorable John G. Koeltl, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing plaintiff's alleged claims with prejudice, together with such further and other relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that plaintiff's opposition papers, if any, are due on or before February 13, 2018, and reply papers, if any, are due on or before February 28, 2018.

Dated: New York, New York
January 23, 2018

ZACHARY W. CARTER
Corporation Counsel for the
City of New York
Attorney for Defendants City and Ponte
100 Church Street, Room 3-168
New York, New York 10007
(212) 356-2357

By: /s/
Alexander Noble
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL & ECF**
Welton K. Wisham, Esq.
Attorney for Plaintiff